

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

Charles and Mary Jane Macgill \*

2013 APR -5 PM 12:15

319 Gun Road

Halethorpe, MD 21227 \*

*(Full name and address of the plaintiff)*

**Plaintiff(s)**

vs. \*

Civil No.: GLR 13CV1017  
*(Leave blank. To be filled in by Court.)*

Baltimore County of Maryland

Kevin Kamenetz County Executive \*

Executive Office,  
400 Washington Avenue  
Towson, MD 21204

Edward Adams Director of Public Works

County Office Building  
111 W. Chesapeake Avenue, Suite 307  
Towson, MD 21204

*(Full name and address of the defendant(s))*

**Defendant(s)**

\*\*\*\*\*

COMPLAINT

1. Jurisdiction in this case is based on:

- ☐ Diversity (none of the defendants are residents of the state where plaintiff is a resident)
- ☒ Federal question (suit is based upon a federal statute or provision of the United States Constitution)
- ☐ Other (explain) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. The facts of this case are:

This is a complaint based on a violation of the 14<sup>th</sup> Amendment of the United States Constitution Equal Protection of the law under Title VI.

Baltimore County failures emanates from the Public Water Laws of the United States. From United States Code (USC) to Code of Federal Regulation (CFR) to Code of Maryland (COMAR) to Baltimore County Code (BCC) has continually violated the intent and requirements of the Water laws as applied to my community and family

This has created:

1. A failure of equal protection of Health, Welfare and Ecology dictated by the Water laws to the community of Gun Road and my family.

2 A situation of discriminated against the community of Gun Road and my family by failing to provide equal access to a public facility.

In my opinion Baltimore County has continually violated the intent and requirements of equal protection under the regulations generated from the following laws:

- i. 1948 Water Pollution Control Act PL 80-845
- ii. 1965 Water Quality Act PL 89-234
- iii. 1966 Clean Water Restoration Act PL 89-753
- iv. 1969 National Environmental Policy Act PL 91-190
- v. 1970 Water Quality Improvement Act PL 91-224
- vi. 1972 Federal Water Pollution Control Amendments PL 92-500
- vii. 1977 Amendments to the CWA PL 95-217
- viii. 1987 Water Quality Act PL 100-4

### THE TITLE VI BREACH

Prior to the passage of the above Public Laws and the regulations that followed, the State of Maryland during the years of 1960 received numerous Federal grant funds to address the above Public Laws and regulations when created.

The funds that apply to this complaint were used in 1971 to **build a public sewerage system** in Baltimore County known as the Patapsco Interceptor. This system was necessary because of the enormous residential and industrial septic pollution being discharged into the Patapsco River along the Southern border of Baltimore County. In Baltimore County for miles along the border this is the water shed area of the Patapsco River. As a result, the Interceptor along the river protected residents and commercial business from violating the coming Water Laws and their regulations except one community that of Gun Road. During the period between the time the Interceptor was completed and currently, Baltimore County has failed to review the edicts of the Water Laws as to the extent they impact the **health, welfare and ecological needs** of the residents of Gun Road. To this day no water quality analysis has been conducted nor has any septic systems review been implemented to determine their impact on the creeks and streams of the water shed area. The litany of the ad hoc approach taken by Baltimore County can be shown in the following table. **The failure of Baltimore County to address the CWA laws and regulations has now placed a hardship on my wife and I.**

**BALTIMORE COUNTY  
PATAPSCO RIVER INTERCEPTOR SEWERRAGE CONNECTIONS**

NAME	YR	CLASS*	REASON	LOC**
OELLA	1970'S	RC	Initial hookup to the Interceptor	SS
WESTCHESTER	1970'S	RC	Initial hookup to the Interceptor	SS
FREDERICK RD	1970'S	RC	Initial hookup to the Interceptor	RS
DANIELS MILLS	1970'S	C	Initial hookup to the Interceptor – now rental units	O
FLOUR MILL	1970'S	C	Initial hookup to the Interceptor	O
SIMSON MILLS	1970'S	C	Initial hookup to the Interceptor, proliferate polluter	OG
UMBC SOUTH	1980'S	PC	22+ failing leach pits - plenty of land to replace sys	RR
CCBC	1985'S	P	failing on site waste treatment plant***	FR
OBLATE SISTERS	1990'S	NAA	failing septic system – plenty of land to replace sys	GR

\* CLASS CODES – RC => Residential and Commercial mix  
C => Commercial Only  
PC => Public and Commercial mix  
P => Public Only  
NAA => Non Profit African American (Race)

**\*\* LOCATION CODES**

SS => Sub division of streets – mix of high & low density houses  
RS => Residential street  
O => Oella sub division of streets  
OG => Orange Grove  
RR => South Rolling Road slightly east of Gun Road  
FR => Frederick Road at east end of Oella Ave to west end of Oella Ave  
GR => Gun Road north end

\*\*\* Could have been enlarged – created opportunity for the development of College Hills

The table above shows that during and after the initial installation in the 1970s through the 1990s that Gun Road was by passed. Gun Road is a street that has had public water service for over 100 years.

3. The relief I want the court to order is:

- ☒ Damages in the amount of: \$2,000,000\_\_\_\_\_
- ☒ An injunction ordering: Order the County to install holding tanks and pump sewage  
until house is serviced with a sewer conection\_\_\_\_\_
- ☐ Other (explain) \_\_\_\_\_

April 4, 2013

(Date)

*Mary Jane Macgill*  
*Charles G. Macgill*

(Signature)

CHARLES G. and MARY JANE MACGILL

319 GUN ROAD

HALETHORPE, MD 21227

410-458-5211

(Printed name, address and phone number of  
Plaintiff)

#### **Privacy Rules and Judicial Conference Privacy Policy**

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